

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1532 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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SANJELI GROUP GRAM PANCHAYAT

Versus

STATE OF GUJARAT

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Appearance:

MR UM SHASTRI for Petitioner

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CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 25/02/97

ORAL JUDGEMENT

The matter is called out thrice, but neither the petitioner nor petitioner's advocate has turn up. But in view of the nature of the petition, I proceed to decide this petition at the stage of admission on the basis of the material on record.

The petitioner has filed earlier Special Civil Application No.7090 of 1995 challenging the notification dated 24th July, 1995 issued by Panchayat and Rural Housing Department of Government of Gujarat, whereby the petitioner- Sanjeli Group Gram Panchayat was being bifurcated. In the said petition on 21st August, 1995, following order was passed :

"Notice returnable on 1-9-95 by way of  
ad-interim relief the enforcement and  
implementation of the order passed by the  
District Development officer on 11-3-95 ( a copy  
of which is at Annexure-B to this petition ) is  
ordered to be stayed if it has not come to be  
enforced or implemented so far. Direct service is  
permitted."

It is the grievance of the petitioner that inspite of the said order, the respondent has started preparing voters list and divided the Panchayat as per the notification dated 24th July, 1995 and 11th August, 1995 and that the said action of the respondent is illegal and improper and contrary to the directions of the court passed in Special Civil Application No.7090/95.

When the matter had come up for hearing before me on 7-1-97, learned advocate for the petitioner was asked by this court as on what basis he was saying that the Government was flouting the orders of the court passed in Special Civil Application No. 7090/95. It was also suggested to him that in case if his claim was also true and correct, then the proper action for him was to move for contempt of court. At that time he sought adjournment. Thereafter, the matter came up for two more occasions, but he could not satisfy this court about the tenability of this petition. The prayer clause of the petition is running as under :

20. The petitioner therefore prays that :

(A) a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction may kindly be granted quashing and setting aside the impugned action of the respondents, doing work as per the Notification dtd. 24th July, 1995 passed by the State Government i.e. Panchayats and Rural Housing Department, Gandhinagar and the order dtd. 11th August, 1995 passed by the D.D.O., as without jurisdiction, competence, power and authority of law and violative of Arts. 14 and 19 of the Constitution of India ;

(B) pending admission and final disposal of this petition an interim injunction may kindly be granted staying the action of the respondent and till the Spl. C.A.No. 7090 of 1995 is finally decided ;

(C) such other and further reliefs be granted as the Hon'ble Court, in the interest of justice, may deem fit and proper, looking to the facts and circumstances of the case ; and

(D) costs of this petition be provided from the respondents ;

If the above prayer clause is read, then it would be quite clear that this petition is seeking the same relief

which are sought earlier in Special Civil Application No.7090/95. In the circumstances, I hold that the present petition deserves to be summarily rejected. I accordingly reject the same with no order as to costs.